

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ANTHONY T. LEE, et al.,)	
Plaintiffs,)	
UNITED STATES OF AMERICA,)	
Plaintiff-Intervenor)	
And <i>Amicus Curiae</i>)	
NATIONAL EDUCATION ASSOCIATION, INC.)	
Plaintiff-Intervenor,)	
)	
LEE COUNTY BOARD OF EDUCATION,	)	Civil Action Nos.
RUSSELL COUNTY BOARD OF EDUCATION,	)	3:70-cv-845-MHT
TALLAPOOSA COUNTY BOARD OF EDUCATION,	)	3:70-cv-848-MHT
ALEXANDER CITY BOARD OF EDUCATION,	)	3:70-cv-849-MHT
AUBURN CITY BOARD OF EDUCATION,	)	3:70-cv-850-MHT
OPELIKA CITY BOARD OF EDUCATION,	)	3:70-cv-851-MHT
PHENIX CITY BOARD OF EDUCATION,	)	3:70-cv-853-MHT
ROANOKE CITY BOARD OF EDUCATION,	)	3:70-cv-854-MHT
BUTLER COUNTY BOARD OF EDUCATION,	)	2:70-cv-855-MHT
COVINGTON COUNTY BOARD OF EDUCATION,	)	2:70-cv-3099-MHT
ELMORE COUNTY BOARD OF EDUCATION, et al.,	)	2:70-cv-3102-MHT
Defendants.)	
)	
ANNIE YVONNE HARRIS, et al.,)	
Plaintiffs,)	
UNITED STATES OF AMERICA,)	
Plaintiff-Intervenor)	
And <i>Amicus Curiae</i>)	
NATIONAL EDUCATION ASSOCIATION, INC.,	)	2:66-cv-2455-MHT
Plaintiff-Intervenor,)	
v.)	
CRENSHAW COUNTY BOARD OF EDUCATION,)	
et al.,)	
Defendants.)	

MOTION TO WITHDRAW AS COUNSEL

Undersigned counsel, one of counsel for plaintiffs Lee, *et al.*, and for plaintiffs Harris, *et al.*, respectfully prays that this Court enter its Order permitting Dennis D. Parker, Esq. and Gloria J.

Browne-Marshall, Esq., attorneys formerly associated with the NAACP Legal Defense & Educational Fund, Inc. who also had previously appeared in this matter *pro hac vice* as counsel for plaintiffs Lee, *et al.* and/or Harris, *et al.*, to withdraw from that representation. In support of this motion, undersigned would respectfully show the Court as follows:

1. Attorneys employed by the NAACP Legal Defense & Educational Fund, Inc. (“LDF”) have been associated with local Alabama counsel in the representation of plaintiffs in these matters since the inception of the *Lee v. Macon County Board of Education* case in 1963, see *Lee v. Macon County Bd. of Educ.*, 267 F. Supp. 458 (M.D. Ala. 1967).

2. Those LDF attorneys have included Dennis D. Parker, Esq. and Gloria J. Browne-Marshall, Esq. Both Mr. Parker and Ms. Browne-Marshall have left the Legal Defense Fund staff. Plaintiffs in the cases continue to be represented by the undersigned and by local counsel from the firm of Gray, Langford, Sapp, McGowan, Gray and Nathanson of Tuskegee, Alabama.

3. Mr. Parker left the Legal Defense Fund staff in the spring of 2003 to become Chief of the Civil Rights Bureau of the Office of the New York State Attorney General. Prior to his departure, Mr. Parker moved to withdraw his appearance as counsel for plaintiffs in most of these cases, motions which were granted in the individual actions. However, Mr. Parker did not move to withdraw from cases in which declarations of “unitary status” had previously been entered and in which prior decrees against local school authorities had been vacated. Because such orders reserved the Court’s authority to resolve the statewide issues (namely, special education and facilities) in each case, the Legal Defense Fund continues to receive mail notices in these proceedings (Nos. 3:70-cv-00848-MHT-DRB, 3:70-cv-00851-MHT-DRB, and 3:70-cv-00853-MHT-DRB) addressed to Mr. Parker.

4. Ms. Browne-Marshall left the staff of the Legal Defense Fund in the spring of 2001. Although Ms. Browne-Marshall was requested by management of the Legal Defense Fund, including undersigned counsel, to file motions withdrawing her appearance in these and other matters prior to her departure, she did not do so. The Legal Defense Fund continues to receive mail notices in these proceedings (except for No. 3:70-cv-00846-MHT-DRB) addressed to Ms. Browne-Marshall.

5. In light of Mr. Parker's present position, it is impractical for LDF to request that he now file additional motions to withdraw his appearance in the statewide issue matters remaining open in these cases. Additionally, LDF is without any mechanism for obtaining such filings from Ms. Browne-Marshall. Nevertheless, because LDF continues to receive copies of Notices and Orders from the Clerk of this Court addressed to each of them, substantial time, energy and resources are being expended for no practical purpose. Undersigned counsel is enrolled in this Court's CM/ECF electronic filing and noticing program.

6. In order to save time and expense to the Court, and to reflect the true and accurate status of counsel for plaintiffs, the Court should permit the previous appearances in this matter of Dennis D. Parker and Gloria J. Browne-Marshall to be withdrawn.

WHEREFORE, for the foregoing reasons, undersigned respectfully prays that the Court enter its Order granting this motion to withdraw Dennis D. Parker, Esq. and Gloria J. Browne-Marshall, Esq. as counsel for plaintiffs in this litigation.

Respectfully submitted,

/s/ Norman J. Chachkin
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Certificate of Service

I hereby certify that on this 6th day of April, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel for various of the parties in these cases:

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/s/ Norman J. Chachkin

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